

REMARKS

Claim rejections under 35 U.S.C. § 102

Claims 1-6, 11-19 and 24-27 are rejected under 35 U.S.C. § 102(b) as being anticipated by Moore (5,586,400). Specifically, it is asserted that Moore teaches a system for attaching material to a quilting frame.

Applicant respectfully traverses the rejection of the claims. Moore teaches a clamp. The independent claims of the present invention, however, are broad enough to cover a clamp. Accordingly, independent claims 1 and 14 have therefore been amended so that the limitations of the claim exclude the use of a clamp. By definition, a clamp must grasp something. In Moore, the clamp is grasping a wall of its channel or slot. By amending the independent claims so that the slot member holding the fabric in place is disposed completely within the slot, Moore cannot anticipate the present invention.

Claims 2, 4, 5, 6, 11, 12, 13, 15, 17, 18, 19 are now dependent upon an allowable base claim. Claims 3 and 16 are not anticipated by Moore because a clamp cannot have a cross-sectional area as claimed.

Claims 1-5, 7, 11, 14-18, 20 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by Wylie (6,279,644). Specifically, it is asserted that Wylie teaches a system for attaching material to a frame.

Applicant respectfully traverses the rejection of the claims. Wylie teaches a system for securing material (a screen) to a frame using adhesive on the material being secured to the frame (col. 5, lines 58-61, col. 9, lines 20-23). The adhesive does not refer to the means in the present invention for attaching the slot channel to the quilting frame. In

addition, all independent claims of Wylie (1, 11, 19 and 32) require the use of an adhesive. An adhesive cannot be used in the present invention as the present invention is directed to a temporary holding of material, whereas Wylie teaches a system for securely fastening the screen to the frame on a permanent basis. Furthermore, an adhesive would damage the material being secured to the quilting frame in the present invention. Accordingly, claims 1-5, 7, 11, 14-18, 20 and 24 cannot be anticipated by the teachings or the claims of Wylie. In addition, it is noted that the "spline" being used in Wylie does not snugly fit within its slot. Thus, Wylie does not teach a friction fit as claimed in claims 1 and 14.

Figures 1A and 1B, showing the prior art, are also being used to reject the present invention.

Applicant respectfully traverses the rejection of the claims based on these two figures. There are two important difference between the prior art shown in these figures and the present invention. First, the lip itself does not securely hold the spline in place. In other words, the spline still has to be braced by pushing the spline under the ledge 52. Second, the prior art essentially shows a two step process. The first step is to place the spline under the lip 50 and thereby hold the material. The second step is to secure the spline into place by pushing the spline under the ledge 52.

In contrast, the present invention secures the material and the slot member in a single step. This has the significant advantage of not having to keep the material stretched and secure while still going back over the spline to secure it under the lip 50. Essentially, the apparatus and method of the present invention are a distinct advantage

over the prior art.

Claim rejections under 35 U.S.C. § 103

Before addressing the specific obviousness rejection, Applicant wishes to clarify what is required to support an obviousness rejection. The Office Action must establish a prima facie case of obviousness to meet the burden of ' 103.

The PTO has the burden under section 103 to establish a prima facie case of obviousness. It can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references.

In re Fine, 837 F.2d 1071, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988) (citations omitted).

In establishing a prima facie case of obviousness, the PTO "cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." Id. at 1600. Rather, "[t]he test is whether the claimed invention as a whole, in light of all the teachings of the references in their entireties, would have been obvious to one of ordinary skill in the art at the time the invention was made."

Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 199 (Fed. Cir. 1983).

Applicant submits that the Office Action does not make a prima facie case of obviousness in that it does not show either (a) some objective teaching in the prior art that suggests combining the references, or (b) knowledge generally available to one of ordinary skill in the art which would lead that individual to combine the relevant teachings of the references to achieve the invention claimed, or c) that the combined

inventions would result in the claimed invention. See In re Fine, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). With these requirements in mind, we look at the specific rejections.

Claims 8-10 and 21-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Moore. It is asserted that Moore teaches that any suitable means for affixing the slot to the frame member. The Office Action states that the motivation is that "providing an adhesive would better retain the integrity of the slot and frame components due to a lack of drilled and tapped screw hole."

Applicant respectfully traverses the rejection of the claims in light of Moore. One of the reasons for using an adhesive, as taught by the present invention, is to enable retro-fitting of existing quilting frames (see paragraphs [0008] and [0025]). Moore does not teach the retro-fitting of any existing fabric stretching systems.

Drawings

A replacement sheet has been provided to show the plurality of screws claimed in claims 13 and 27. The specification has also been amended to describe the two new figures. No new subject matter has been added.

Conclusion

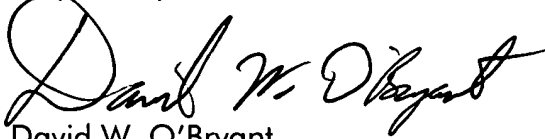
In light of the statements above, Applicant respectfully requests issuance of claims 1-27. If any impediment to the allowance of these claims remains after entry of this Amendment, and such impediment could be alleviated during a telephone interview, the

examiner is invited to call David W. O'Bryant at (801) 478-0071 so that such matters may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 50-0881.

DATED this 20th day of July, 2006.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David W. O'Bryant", written in a cursive style.

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